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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,899	02/27/2004	Kevin Torek	303.866US1	4587
21186	7590	03/27/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH			ALANKO, ANITA KAREN	
1600 TCF TOWER				
121 SOUTH EIGHT STREET			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402			1765	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/788,899	TOREK, K ET AL
	<b>Examiner</b>	<b>Art Unit</b>
	Anita K. Alanko	1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 1/11/06 amdt.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-6 and 8-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 8-50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

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***Claim Rejections - 35 USC § 112***

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, it is unclear how the first wet etching may comprise a vapor process, and therefore the metes and bounds of the claim are unclear.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

*Claims 46-50 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kang et al (US 2004/0175884 A1).*

Kang discloses a process comprising:

forming a recess 251 in a dielectric stack 180, 200, 220, 240 (Fig.3D-3E);

forming a conductive structure 260 in the recess (Fig.3F), wherein the conductive structure has substantially vertical sidewalls, is partially embedded in the recess (see Fig.3G), and wherein the conductive structure is formed to extend from the first dielectric stack (Fig.3G); and

electrically isolating the conductive structure (the CMP step as shown in Fig.3F).

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As to claims 47-50, Kang discloses to form storage cell dielectric film 280 and a storage cell plate 300 (Fig.3H).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

*Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kang et al (US 2004/0175884 A1).*

The discussion of Kang from above is repeated here.

As to claim 50, Kang fails to disclose how the storage cell dielectric film is formed. Examiner takes official notice that CVD is a conventional deposition process. It would have

been obvious to one with ordinary skill in the art to deposit by CVD in the method of Kang because it is a useful, conventional method for depositing layers.

*Claims 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang et al (US 2004/0175884 A1) in view of Jost et al (US 5,966,611).*

The discussion of Kang from above is repeated here.

As to claim 40, Kang discloses to embed a conductive structure having substantially vertical sidewalls 260 (polysilicon, [0043]) within a dielectric stack, wherein the conductive structure is coupled to a substrate active area (Fig.3G).

Kang fails to disclose stripping amorphous carbon. Rather, Kang discloses that the sacrificial material 220 comprises a silicon oxide (Fig.3E, [0045]).

Jost teaches that when exposing polysilicon structures by removing a sacrificial layer, that the sacrificial layer may comprise either an organic material (such as amorphous carbon) or an inorganic material (such as silicon oxide) (col.3, lines 43-48).

Therefore, it would have been obvious to one with ordinary skill in the art to use amorphous carbon as the sacrificial layer in the method of Kang because Jost teaches that it is a useful, alternative sacrificial layer for silicon oxides when exposing polysilicon structures.

Kang fails to disclose the aspect ratio of the conductive structure. Since the same steps are conducted as in the instant invention, the same result is expected and the aspect ratio is expected to be similar to the cited range. Kang teaches that it is desired to have deep trenches in order to integrate capacitors that can store sufficient electric charge ([0005]-[0007]), therefore the aspect ratio appears to reflect a result-effective variable. It would have been obvious to

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conduct the method with the cited aspect ratio in the modified method of Kang because the aspect ratio appears to reflect a result-effective variable that can be optimized. See MPEP 2144.05 II.B.

As to claim 41, Kang discloses that the structure is a container capacitor. The modified method of Jost has amorphous carbon as the sacrificial layer. Jost teaches that oxygen plasma stripping is a useful technique for removing amorphous carbon (col.4, lines 9-14 and 61-63). It would have been obvious to one with ordinary skill in the art to use oxygen plasma stripping in the modified method of Kang because Jost teaches that it is a useful etchant for removing amorphous carbon.

As to claims 42-45, Kang discloses a polysilicon sacrificial second film 240 as a hard mask, which acts as a sacrificial second film disposed above and on the first sacrificial film (amorphous carbon in the modified method of Kang), since the mask is not present in the final product. Examiner takes official notice that oxides are conventional hard mask materials, and BPSG and TEOS-decomposed are conventional oxides. For example, Jost teaches that silane oxides are known (col.3, lines 46-47) and Kang teaches that PSG is known ([0043]). It would have been obvious to use oxides such as BPSG or TEOS in the modified method of Kang because they are useful, conventional hard mask materials.

*Claims 1-6, 8-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang et al (US 2004/0175884 A1) in view of Jost et al (US 5,966,611) and O'Brien (US 5,817,182).*

The discussion of modified Kang from above is repeated here.

As to claims 1, 9, 22 and 29, the modified method of Kang, as discussed above, comprises first wet etching and second non-wet etching. Kang does not explicitly disclose first rinsing the conductive structure having substantially vertical sidewalls. However, Kang does disclose that since the conductive structure is embedded, that tilting caused by cleaning ([0017], Fig.2) can be prevented ([0018]). O'Brien teaches that it is useful to rinse after etching in order to remove etchant residues that may impact subsequent processing, device yield or reliability (col.4, lines 8-13). It would have been obvious to rinse after exposing the conductive structure in the modified method of Kang because O'Brien teaches that it is useful to rinse after etching in order to remove etchant residues that may impact subsequent processing, device yield or reliability, and Kang teaches that problems caused by cleaning can be prevented.

The various layers of oxides and polysilicon cited in the dependent claims are obvious to include since Jost teaches that various inorganic layers are useful, including silicon oxides and silane-oxides (col.3, lines 45-47), O'Brien teaches some useful oxides (col.1, line 50), and Kang discloses that the polysilicon may be doped or undoped ([0043]).

*Response to Amendment*

The 35 USC 112, 2<sup>nd</sup> paragraph rejection of claims 5-7, 10-11, 17 and 28 are withdrawn in view of the claim amendments and cancellation of claim 7. Claim 4 remains rejected as being unclear.

The claims remain rejected over Kang.

*Response to Arguments*

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Applicant's arguments filed 1/11/06 have been fully considered but they are not persuasive to the extent they still apply.

As to the 35 USC 112 paragraph rejection of claim 4, applicant argues that to cite that wet etching comprises a dry process is clear. In response, this is not persuasive because wet processes and dry processes are clearly different. One cannot redefine a term to be opposite to its accepted meaning. Perhaps applicant could reword the claim to cite that the first wet etching is preceded by a vapor process, as this is what applicant argues is the meaning behind the claim. Applicant is reminded to present claims that are not broader than the enabling specification. A vapor process could, broadly interpreted, read on exposure to an atmosphere.

As to the prior art rejections, applicant argues that Kang does not disclose "substantially vertical sidewalls". Examiner disagrees since Fig.3F and 3G show how feature 260 extends upwards, and as broadly interpreted, is substantially vertical. "Substantially" is a broad term. Applicant has not given it any narrow meaning in the specification, therefore broadly interpreted, Kang discloses substantially vertical sidewalls. As to the argument that there are horizontal portions, this is not commensurate in scope with the claim language because the claim has open "comprising" language and is open to sidewalls that are both vertical and horizontal.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K. Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon-Fri until 2:30 pm (Wed until 11:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Anita K. Alanko*  
Anita K Alanko

Primary Examiner  
Art Unit 1765